

## REMARKS

### I. The Section 112 Rejection

The Examiner has objected to the disclosure under 37 C.F.R. §1.63(a), on the basis that the specification presents less than a full and complete botanical description of the plant and the characteristics which distinguish the plant from related known varieties. Claim 1 stands rejected under 35 U.S.C. § 112, first and second paragraphs, as not being supported by a clear and complete botanical description of the plant for the reasons set forth in the Examiner's objection to the disclosure.

The specification has been amended, as suggested by the Examiner, to make a full and complete a disclosure of the plant and the characteristics that distinguish it from other related known varieties and antecedents. With reference to the red-lined version, the specification has been amended at page 3, lines 3 and 6, to properly reflect the use of single quotation marks with cultivar names and eliminate redundant use of the term "cultivar."

At page 5, line 25, the petiole diameter has been inserted and at page 6, lines 23 and 25, the pedicel surface and strength have been corrected. At page 6, lines 26-30, the length, diameter, color, surface and strength of the peduncle have been added.

At page 6, lines 9 and 11, the Examiner notes that the description of the flowering habit as "cyme" and the inflorescence as "corymibiform" are contradictory. Applicant disagrees since one term is used to describe flowering development while the other describes flowering presentation. The term "cyme" as used here describes an inflorescence that flowers from the terminal flower first followed by the trailing lateral buds. On the other hand, "corymibiform" describes the inflorescence form whereby the lower or outer flowering stalks are longer than the inner stalks. As such, the terms do not appear to conflict. As further

clarification, the specification has been amended at page 6, lines 12-13 to indicate that the inflorescence of the instant variety is corymbose in form, in that the outer stalks are longer than the inner stalks, however, the flowering habit for the variety is cyme and flowers from the terminal flower first.

At page 7, line 1, the specification has been amended to indicate that the ray florets are oblong in shape. At page 8, line 6, the specification has been amended to reflect that the lastingness of blooms is near 25 days.

There are no amendments to the claim or Abstract.

The above amendments to the specification have addressed the remaining Examiner's objections to the disclosure under 37 C.F.R. § 1.63, first paragraph and under 35 U.S.C. § 112, first and second paragraphs. It is respectfully submitted that those objections are now overcome. As a consequence, the basis for the Examiner's rejection under 35 U.S.C. § 112, first and second paragraphs, is no longer present and it is respectfully requested that the rejection on this basis be withdrawn.

### CONCLUSION

It is respectfully submitted that the Examiner's rejection under 35 U.S.C. § 112 has been overcome by the above-amendments and remarks and should be withdrawn. There are no further rejections or objections to the disclosure or the claim and the application is now believed to be in condition for allowance.

No additional fees are believed to be due, however, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 08-3038 referencing docket number 10451.0060.NPUS01.

The Examiner is invited to contact the undersigned attorney at (650) 463-8234 regarding any further questions, comments or suggestions relating to this patent application.

Dated: June 8, 2004

Respectfully submitted,



Mark K. Dickson  
Attorney Reg. No. 32,889  
HOWREY SIMON ARNOLD & WHITE, LLP  
301 Ravenswood Avenue  
Menlo Park, CA 94025  
(650) 463-8234